

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14036 of 2007

Dated: 03-07-2007

Between:

Smt.P.Lavanya and another.

..... PETITIONERS

AND

The Mandal Parishad Development Officer,
Srikakulam District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14036 of 2007

ORDER:

First respondent conducted auction for leasing out shops in N.T.R. Shopping Complex-III, Rajam Mandal Parishad, for a period of three years i.e., from 21.05.2006 to 31.03.2009. Second respondent, who is the husband for first petitioner, became higher bidder for shop No.1. First petitioner and second petitioner, who is the brother of first petitioner, became the highest bidders for shop Nos.2 and 3 respectively. It is alleged that due to matrimonial disharmony, first petitioner and second respondent are living separately and second respondent, who by reason of an understanding came to occupy all the three shops, refused to

vacate and handover shop Nos.2 and 3. The petitioners then gave a complaint on 11.06.2006 to first respondent to remove second respondent from shop Nos.2 and 3 as per the proceedings dated 21.05.2006.

Admittedly the petitioners approached first respondent only on 11.06.2006 and even before lapse of one month, they filed instant writ petition. Therefore, this Court is not inclined to entertain the writ petition on that ground. Secondly, admittedly the dispute is between first petitioner and second respondent and if second respondent came to misappropriate leasehold rights of the petitioners, the remedy is to approach the Civil Court seeking a decree of recovery of possession. First respondent, at best, neither can cancel the lease nor at present there is any power vested in first respondent to evict any person either under the Andhra Pradesh Land Encroachment Act, 1905, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The writ petition, which is wholly misconceived, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

03rd July, 2007
ghn